

REMARKS

Claims 1-63 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. Telephone Interview

Applicants thank Examiner Nguyen for the courtesies extended to Applicants' representative during the October 6, 2003 telephone interview. During the interview, the distinctions of the present independent claims over the alleged combination of references were discussed. Examiner Nguyen indicated that he understood these distinctions and stated he would reconsider the references upon the filing of a written response. In addition, Examiner Nguyen indicated that if an amendment were made to incorporate the subject matter of claim 22, for example, in the independent claims, the application would be in condition for allowance. The substance of the telephone interview is summarized in the following remarks.

II. 35 U.S.C. § 103, Alleged Obviousness of Claims 1-63

The Office Action rejects claims 1-63 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Fisher et al. (US Patent No. 5,969,705) in view of Watanabe (US Patent No. 6,344,864). This rejection is respectfully traversed.

As to independent claims 1, 21 and 41, the Office Action states:

Regarding claims 1, 21, and 41, Fisher discloses a method of copying computer files to a destination location, comprising: receiving a copy instruction, the copy instruction identifying a plurality of computer files to be copied and the destination location (see col. 4, lines 9-65); and copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied (see col. 5, lines 35-67); however, Fisher fails to explicitly teach displaying attributes of the plurality of computer files simultaneously, in an order in which the plurality of computer files are to be copied.

Watanabe teaches and copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied (see col. 4, lines 15-55). It would have been obvious to one of an ordinary skill in the art the time the invention was made to provide and copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied as taught by Watanabe to the system for controlling the user interface event display of displaying tree structure among multiple windows in order to enhance a user friendly while copy/delete file interactively on screen.

Office Action dated July 7, 2003, pages 2-3.

Claim 1, which is representative of the other rejected independent claims 1, 21 and 41 with regard to similarly recited subject matter, reads as follows:

1. A method of copying computer files to a destination location, comprising:
receiving a copy instruction, the copy instruction identifying a plurality of computer files to be copied and the destination location;
displaying attributes of the plurality of computer files simultaneously, in an order in which the plurality of computer files are to be copied; and
copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied.
(emphasis added)

Neither Fisher nor Watanabe, either alone or in combination, teach or suggest displaying attributes of the plurality of computer files simultaneously in an order in which the plurality of computer files are to be copied. Moreover, it would not have been obvious to modify either Fisher, Watanabe or any alleged combination of Fisher and Watanabe to include such a feature.

Fisher is directed to a message protocol for controlling a user interface from an inactive application program. The main objective of the Fisher system is to permit a background application that is not the currently active application, to communicate with a foreground application program for controlling the user interface of the computer system display. With the system of Fisher, an event handler is provided that services events generated for controlling the user interface display. Via this event handler, feedback

about the progress of a first process may be provided to the user interface of a second process.

An example of the event driven architecture of Fisher is shown in Figure 3 of Fisher. As shown in Figure 3, and described in column 6, line 35 to column 7, line 13, the client application 310 communicates with the GUI server application 330 via events 320. The GUI server application 330 registers a process with an Apple Event Manager so that whenever defined events are detected, the Apple Event Manager forwards the event to registered handlers and causes the handlers to be invoked and service the events. The registered event handler for GUI server application 330 will cause the activation and modification of a user interface display, which in the depicted example is a copy window 340. It is clear from Figure 3 that the copy window 340 includes a designation of a number of items to be copied, an item being read, and a progress bar.

Fisher does not teach or suggest displaying attributes of a plurality of computer files simultaneously, in an order in which the plurality of computer files are to be copied. To the contrary, as is clearly illustrated in Figure 3, the only display of files that are to be copied is a display in which the name of the file that is currently being acted upon is displayed and the number of remaining items to be copied is displayed. There is no provision in Fisher for displaying attributes of a plurality of computer files simultaneously in an order in which they are to be copied.

The Office Action admits that Fisher does not teach or suggest this feature on page 3 of the Office Action. However, the Office Action fails to show where Watanabe teaches or suggests such a feature. In fact, the Office Action merely asserts that Watanabe "teaches and copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied (see col. 4, lines 15-55). Thus, the Office Action has not shown where either Fisher or Watanabe teaches or suggests displaying attributes of a plurality of computer files simultaneously, in an order in which the plurality of computer files are to be copied.

The Watanabe reference has been discussed in great detail in the previously filed Response (dated April 24, 2003) and the Examiner's attention is directed to the Remarks section of this previously filed Response. In that Response, it was submitted that there is no teaching or suggestion in Watanabe to display attributes of the plurality of computer

files simultaneously and in an order in which the plurality of computer files are to be copied. While Watanabe teaches a document list box 7, the document files listed in the document list box 7 are not necessarily document files that are to be copied. There may be document files listed in the document list box 7 that are never copied. This is because Watanabe requires that the user select a single document file from the document list box 7, have its contents displayed in image window 8, which may then be dragged-and-dropped to an appropriate folder window. Furthermore, the document files listed in the document list box 7 are not listed in an order in which they are to be copied in accordance with a copy instruction. They are merely listed in creation order as can be clearly seen from Figure 2.

Despite the allegations made by the Office Action to the contrary, Watanabe does not teach or suggest copying a plurality of computer files to a destination location in an order in which the plurality of computer files are to be copied. Watanabe teaches the ability to copy a single document file to a destination folder by selecting the image window of the document file and dragging and dropping the image window on another folder window. During this process, the image window is reduced in size so as to allow for better viewing of the window or folder to which the document is to be copied.

Furthermore, there is no teaching in Watanabe regarding displaying attributes of a plurality of computer files simultaneously, in an order in which the plurality of computer files are to be copied. As noted above, Watanabe requires that the user select a single document at a time and drag-and-drop the document to the destination. There is no simultaneous display of attributes of a plurality of computer files that are designated by a copy instruction and there is no simultaneous display of attributes of a plurality of computer files in the order in which they are to be copied.

Thus, neither Fisher nor Watanabe teach or suggest the features of independent claims 1, 21 and 41. In fact, the Office Action fails to even address this feature and instead merely alleges that Fisher teaches copying a plurality of computer files to a destination in an order in which they are to be copied and Watanabe teaches copying a plurality of computer files to a destination in an order in which they are to be copied. The Office Action fails to address where either reference teaches or suggests displaying

attributes of a plurality of computer files simultaneously, in an order in which the plurality of computer files are to be copied.

Thus, since neither Fisher nor Watanabe teach or suggest this feature, any alleged combination of Fisher and Watanabe still would not teach this feature. In fact, it is not at all clear how one of ordinary skill in the art would combine Fisher and Watanabe or the reason why one of ordinary skill in the art would be motivated to try to combine these two disparate references. Fisher is concerned with permitting a background application to provide updates to an active application for updating a user interface. Watanabe is directed to a system for reducing the size of other windows in a display when an item in a first window is selected. There is no correlation between these two systems. There is no suggestion in either reference as to the desirability to include the features of the other reference. Moreover, if one of ordinary skill in the art were presented only with these two references, and not having had benefit of Applicants' claimed invention, that person would not know how to combine them and furthermore, would not combine them and modify them in the particular manner necessary to arrive at Applicants' claimed invention.

The Office Action states that it would have been obvious to combine Watanabe to a "system for controlling the user interface event display of displaying tree structure among multiple windows in order to enhance a user friendly while copy/delete file interactively on screen." There is nothing in Fisher that teaches or suggests the desirability of displaying a tree structure among multiple windows in order to make copying/deleting of files more user friendly. Moreover, even though Watanabe teaches a mechanism in which a document from one window may be drag-and-dropped into another window, there is nothing in Watanabe regarding the displaying of a tree structure in order to provide a more user friendly copy/delete screen. This alleged motivation is completely based on an attempt to recreate Applicants' claimed invention having first had benefit of Applicants' disclosure, i.e. the motivation is completely based on hindsight.

Moreover, even if it were somehow obvious to combine these two references, which it is not, nowhere in either reference or in the Examiner's alleged combination of the references, or in the motivation statement is it over shown or even alleged that it would have been obvious to display attributes of a plurality of computer files

simultaneously, in an order in which the plurality of computer files are to be copied.

There simply is nothing in either reference or the alleged combination of references that even resembles such a feature.

Regarding claim 61, the Office Action merely states that this claim is rejected on the same basis as discussed above. Applicants respectfully submit that neither Fisher nor Watanabe, either alone or in combination, teach or suggest displaying an identification of a plurality of files in a graphical user interface simultaneously in an order in which the plurality of files are to be copied to a destination in response to receiving a request to copy the plurality of files to a destination location or altering the identification of the plurality of files to indicate a progress in copying individual files within the plurality of files to the destination. As discussed above, neither Fisher nor Watanabe teach or suggest displaying attributes of the plurality of files to be copied simultaneously.

In addition, neither Fisher nor Watanabe teach or suggest altering an identification of a plurality of files to indicate a progress in copying individual files within the plurality of files to the destination. All that Fisher teaches is the copy dialog box 340 shown in Figure 3. There is no altering of an identification of a plurality of files to indicate the progress in copying individual files within the plurality of files. While there is a progress indicator, this progress indicator is not an "identification of the plurality of files in a graphical user interface in an order in which the plurality of files are to be copied to the destination" as recited in claim 61 and thus, even though it may be altered by the increasing of the progress bar, this alteration is not to an identification such as that recited in claim 61.

All Watanabe teaches is the selection of a single file by selecting the image window and dragging and dropping the image window on a folder to which the file is to be copied. There is no altering of an identification of a plurality of files to be copied to indicate a progress in copying individual files within the plurality of files.

In view of the above, Applicants respectfully submit that neither Fisher nor Watanabe, either alone or in combination, teach or suggest the features of independent claims 1, 21, 41 and 61. At least by virtue of their dependency on claims 1, 21, 41 and 61, respectively, neither Fisher nor Watanabe teach or suggest the features of dependent

claims 2-20, 22-40, 42-60 and 62-63. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-63 under 35 U.S.C. § 103(a).

In addition to the above, neither Fisher nor Watanabe, either alone or in combination, teach or suggest the specific features recited in the dependent claims. For example, with regard to claims 4, 24 and 44, neither Fisher nor Watanabe teach or suggest displaying an estimated time of completion of copying the currently copying computer file. The Office Action alleges that this feature is taught by Fisher with regard to dialog box 340 in Figure 3. However, there is no estimated time of completion shown in box 340 of Figure 3. To the contrary, all that is shown in box 340 is the number of items remaining to be copied, the name of the file currently being read, and a progress bar. None of these elements of box 340 display an estimated time of completion of copying the currently copying computer file.

With regard to claim 6, 26 and 46, neither Fisher nor Watanabe teach or suggest identifying a copy rate, identifying a data size of the currently copying computer file, identifying an amount of data, corresponding to the currently copying computer file, that has already been copied to the destination location, or displaying the estimated time of completion based on the copy rate, the data size of the currently copying computer file and the amount of data that has already been copied to the destination location. The Office Action alleges that these features are taught by Fisher at column 9, lines 5-45 and Figures 2-4. Nowhere in any of Figures 2-4 is there taught or even suggested the identifying of a copy rate, a data size of a currently copying computer file, or a display of an estimated time of completion based on the copy rate, data size, etc. As mentioned above, all that these figures show is the number of items to be copied, the name of the file currently being read, and a progress bar. Moreover, column 9, lines 5-45 merely describes filling a progress bar based on a maximum value parameter and a progress value. There is nothing in column 9 that mentions or even suggests a copy rate or a data size of a currently copying computer file.

With regard to claims 8, 10-13, 28, 30-33, 48, and 50-53, neither Fisher nor Watanabe teach or suggest: displaying an estimated time of completion of copying the plurality of computer files to the destination location (claims 8, 28 and 48); identifying a copy rate, identifying a data size of the plurality of computer files, identifying an amount

of data, corresponding to the plurality of computer files, that has already been copied to the destination location, or displaying the estimated time of completion based on the copy rate, the data size of the plurality of computer files, and the amount of data that has already been copied (claims 10, 30 and 50); rearranging, during copying of the plurality of computer files, the order in which the plurality of computer files are to be copied (claims 11, 31 and 51); selecting a computer file from the plurality of computer files, using the display of the plurality of computer files, and changing its position in the order in which the plurality of computer files are to be copied (claims 12, 32 and 52); or reordering the plurality of computer files based on one or more of the attributes of the plurality of computer files in accordance with a reorder criteria (claims 13-14, 33-34 and 53-54).

The Office Action alleges that these features have been discussed previously with regard to claims 1-6 in the Office Action. Applicants respectfully submit, with regard to claims 8, 10, 28, 30, 48 and 50 that claims 3-6 recite some similar features, however these features are directed to a currently copying computer file and are not directed to the plurality of computer files. Thus, the features of claims 8, 10, 28, 30, 48 and 50 have not actually been addressed by the Office Action in the rejection of claims 1-6. Thus, the Office Action has not established a prima facie case of obviousness with regard to claims 8, 10, 28, 30, 48 and 50. Furthermore, there is no teaching in either Fisher or Watanabe regarding any of the features of claims 8, 10, 28, 30, 48 and 50.

Regarding claims 11-13, 31-33 and 51-53 none of the claims 1-6 recite the features of these claims and the Office Action has not addressed the features of these claims in the rejection of claims 1-6. There is nothing in Fisher or Watanabe that teaches rearranging during copying of a plurality of computer files, the order in which the computer files are to be copied. As discussed previously, Fisher teaches a copy dialog box that merely displays the number of items to be copied, the name of the file being read, and a progress bar. Fisher does not teach rearranging anything during copying of a plurality of computer files.

Similarly, Watanabe does not teach or suggest this feature either. Watanabe teaches a drag-and-drop copying or moving operation that operates on a single computer file. There is no order to rearrange in Watanabe and there is no mechanism in Watanabe

that would allow one to rearrange the order in which files are to be copied while they are being copied. Moreover, the Office Action has not shown where such a teaching may be found in either of Fisher or Watanabe and thus, the Office Action has not met its burden of establishing a prima facie case of obviousness with regard to claims 11-13, 31-33 and 51-53.

With regard to claims 15, 35 and 55, neither Fisher nor Watanabe teach or suggest that a reorder criteria includes at least one of alphabetical order, reverse alphabetical order, smallest to largest file data size, largest to smallest file data size, oldest to most recent file creation date, and most recent to oldest file creation date. The Office Action alleges that this feature is taught by Fisher at column 12, lines 10-29 which reads as follows:

At any rate, upon detection of the all the previous events, if the events are serviced, then an event message from server 330 to client 310 such as EventHandled is issued, and handler 500 returns at step 517. Otherwise, any events detected which do not fall into one of the categories tested for or other events which are not serviced may issue a suitable error event message, such as EventNotHandled at step 517 to indicate to client 310 that the event was not serviced. Then, the client may take appropriate actions via its own event handler.

Thus, an invention for a background application controlling the user interface of a foreground application has been described. Although the present invention has been described particularly with reference to specific embodiments as illustrated in FIGs. 1-5c, it may be appreciated by one skilled in the art that many departures and modifications may be made by one of ordinary skill in the art without departing from the general spirit and scope of the present invention.

How does this have anything to do with reordering criteria for reordering a plurality of computer files that are to be copied? This seems to be an arbitrarily selected portion of the Fisher reference that has nothing to do with the actual features recited in claims 15, 35 and 55.

Regarding claims 16, 36 and 56, neither Fisher nor Watanabe teach or suggest displaying the attributes of the plurality of computer files in a graphical user interface. While Fisher and Watanabe teach graphical user interfaces in general, the graphical user

interfaces do not display attributes of a plurality of files that are to be copied. Thus, neither Fisher nor Watanabe teach or suggest the features of claims 16, 36 and 56.

With regard to claims 17, 37 and 57, neither Fisher nor Watanabe teach or suggest receiving a skip command or changing a display of an attribute of a computer file from the plurality of computer files to indicate that the computer file is to be skipped during copying of the plurality of computer files. The Office Action alleges that this feature is taught at column 4, lines 1-62 of Watanabe. However, this section of Watanabe merely describes the flowchart in Figure 5 of Watanabe which does not have anything to do with a skip command or changing a display of an attribute of a computer file to indicate that the computer file has been skipped. There is no mention whatsoever regarding a skip command in this or any other section of Watanabe. Again, this seems to be just an arbitrarily selected portion of the reference that has nothing to do with the features of the claims.

Regarding claims 18, 38 and 58, neither Fisher nor Watanabe teach or suggest receiving a delete command or changing a display of an attribute of a computer file from the plurality of computer files to indicate that the computer file is to be deleted after copying of the plurality of computer files. The Office Action alleges that this feature is taught in column 11, lines 16-67 of Fisher. This section of Fisher merely describes the operation of Fisher when a ChangeString even occurs. The word "delete" is not even in this section of Fisher, let alone the specific features regarding a delete command set forth in claims 18, 38 and 58. Yet again, this appears to be an arbitrarily selected portion of the reference that has nothing to do with the features of the claims.

With regard to claims 19, 39 and 59, neither Fisher nor Watanabe teach or suggest deleting computer files that have been indicated as being computer files to be deleted, after copying of the plurality of computer files, from the destination location. The Office Action alleges that this feature is taught in Figures 2-5 of Watanabe. There is not even the mention of a delete operation in any of these figures and thus, there cannot be any teaching in these figures regarding deleting a computer file after copying of the plurality of computer files.

Regarding claims 20, 40 and 60, neither Fisher nor Watanabe teach or suggest not copying computer files that have been indicated as being computer files that are to be

skipped during copying of the plurality of computer files. The Office Action alleges that this feature is taught by Fisher in Figures 5A-5C. Figures 5A-5C are flowcharts. There is not even one element of either of these flowcharts that mentions designating computer files that are to be skipped or not copying computer files that are to be skipped. The flowchart in Figures 5A-5C merely illustrates updating portions of a dialog box, e.g., countstring, statusstring, actionstring, objectnamestring, etc. There is nothing in these figures that has anything to do with skipping of computer files or not copying computer files that have been designated as computer files to be skipped..

With regard to claims 62-63, the Office Action has not specifically addressed these features in any of the rejections of claims 1-6 and 15-20 contrary to the allegations made by the Office Action. Neither Fisher nor Watanabe teach or suggest receiving a second request to remove a file from a plurality of files and in response, canceling copying of the file and alerting a graphical user interface to indicate cancellation of copying of the file (claim 62). Neither Fisher nor Watanabe teach or suggest that copying of the plurality of files removes the plurality of files from a source of the plurality of files (claim 63). These features are not addressed by the Office Action and thus, the Office Action has not established a prima facie case of obviousness with regard to claims 62-63.

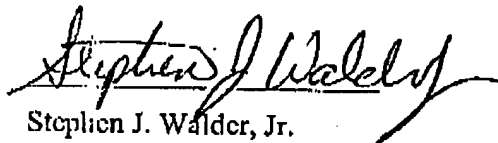
In view of the above, Applicants respectfully submit that neither Fisher nor Watanabe teach or suggest the specific features of the dependent claims. Thus, the rejections of claims 2-20, 22-40, 42-60 and 62-63 under 35 U.S.C. § 103(a) should be withdrawn.

III. Conclusion

It is respectfully urged that the subject application is patentable over Fisher and Watanabe and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: October 7, 2003



Stephen J. Walder, Jr.
Reg. No. 41,534
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
Attorney for Applicants

**RECEIVED
CENTRAL FAX CENTER**

OCT 07 2003

OFFICIAL